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**Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization**
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# Draft report

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## III. Peaceful settlement of disputes

1. The Special Committee considered the item entitled "Peaceful settlement of disputes" during the general exchange of views held at its 276th and 277th meetings, on 17 and 18 February 2015, and at the 2nd meeting of the Working Group of the Whole.

2. During the general exchange of views, delegations expressed their support for all efforts to address the peaceful settlement of disputes. Delegations reiterated their preference that, in accordance with the mandate of the Special Committee, the question of the peaceful settlement of disputes should remain on its agenda. The importance of a free choice of means in peaceful dispute settlement was underscored. The role of the International Court of Justice as the principal judicial organ of the United Nations was reiterated. The significance of the Manila Declaration on the Peaceful Settlement of International Disputes, which had been approved by the General Assembly in 1982 and annexed to its resolution 37/10, was recalled.

### A. Proposal by the Russian Federation to recommend that the Secretariat be requested to establish a website on the peaceful settlement of disputes and update the *Handbook on the Peaceful Settlement of Disputes between States*

3. During the general exchange of views, the Russian Federation recalled its proposal (see A/69/33, para. 52) that the Special Committee consider requesting the Secretariat to establish a website, within existing resources, dedicated to the peaceful settlement of disputes between States, which would include references to relevant United Nations documents, as well as to the United Nations and other organs active in the field, and to update the *Handbook on the Peaceful Settlement of Disputes between States*, prepared by the United Nations in 1992.



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4. At the 2nd meeting of the Working Group of the Whole, several delegations expressed support for the proposal. The view was expressed that such endeavours would be beneficial to Member States, and especially smaller States, in providing them with access to the latest information on mechanisms for the peaceful settlement of disputes in a single centralized location, which would in turn help to foster greater resort to such mechanisms and promote the rule of law.

5. Other delegations expressed reservations as to the added value of either undertaking, with some pointing out that all the information in question was readily accessible online. Concern was expressed regarding the reference to "United Nations documents" and what it would imply if some documents were included while others were not. The feasibility of updating the *Handbook* was also questioned, given the broad range of actors involved in activities relating to the peaceful settlement of disputes. Concern was also expressed that, even if such work could be undertaken within existing resources, it would not be a proper prioritization of the scarce resources allocated to the Secretariat. Concern was also raised as to the reference to "other organs" active in the field of the peaceful settlement of disputes, given that it was unclear whether the phrase referred to the other organs of the United Nations or also to other organizations. In response, several delegations stated that it was for the Fifth Committee, and not the Special Committee, to consider the financial implications of the proposal and that only the substantive aspects should be examined.

## B. Proposal submitted on behalf of the Non-Aligned Movement entitled "Pacific settlement of disputes and its impact on the maintenance of peace"

6. The proposal submitted on behalf of the Non-Aligned Movement entitled "Pacific settlement of disputes and its impact on the maintenance of peace" (A/AC.182/L.138) was referred to during the general exchange of views held at the 276th and 277th meetings of the Special Committee, on 17 and 18 February 2015, and was considered at the 2nd meeting of the Working Group of the Whole.

7. In its general statement and in the Working Group of the Whole, the delegation of the Islamic Republic of Iran, on behalf of the Non-Aligned Movement, explained that the proposal was aimed at obtaining an assessment of the current use of peaceful means for the settlement of disputes and expressed the view that the suggested annual review of the issue by the Special Committee would contribute to the more efficient and effective use of such peaceful means, in accordance with Chapter VI of the Charter. It was also pointed out that the proposal was intended to ensure that the Security Council exhausted the measures set out in Chapter VI, while avoiding the resort to Chapter VII in the absence of an actual threat to international peace and security.

8. Several delegations, both in the general exchange of views and in the Working Group of the Whole, reiterated their commitment to the peaceful settlement of international disputes and expressed their support for the proposal. It was observed that the proposal was timely, given the commemoration of the seventieth anniversary of the Charter, and that it accorded with the Manila Declaration. The view was also expressed that it was of paramount importance for the States Members of the United Nations to reiterate their commitment to settling disputes through peaceful means. Other delegations, while welcoming the proposal, requested more time for reflection and consultation. A preliminary general concern expressed was that the proposal overlapped

with discussions under way in other forums of the Organization. It was also stated that the Special Committee should avoid considering questions relating to the recourse to force, which were already dealt with in the Charter.

9. In introducing the substance of the proposal, the delegation of the Islamic Republic of Iran, on behalf of the Non-Aligned Movement, indicated at the 2nd meeting of the Working Group of the Whole that the preambular paragraphs tracked the language of the relevant provisions of the Charter, including Article 33. In the ensuing discussion, concern was expressed that the formulation of the fifth preambular paragraph suggested that the Special Committee would be reviewing the activities of the Security Council. It was recalled, in relation to the sixth preambular paragraph, that Article 33 envisaged the resort to "other" peaceful means (such as the good offices of the Secretary-General), and the principle of the free choice of means in peaceful dispute settlement was reiterated. Another view expressed was that Article 33 envisaged a hierarchy in the taking of means. Concerning the eighth preambular paragraph, it was suggested that the word "should" be replaced with "must", so as to indicate that a legal obligation was being envisaged. In response to a query as to the appropriateness of referring, in the ninth preambular paragraph, to a set of articles that were, strictly speaking, non-binding, it was pointed out that the articles on responsibility of States for internationally wrongful acts were increasingly viewed as reflecting customary international law.

10. It was explained that operative paragraph 1 was intended to establish a process whereby an annual evaluation of the resort to peaceful means for the settlement of disputes would be undertaken by the Special Committee. The view was expressed, however, that the paragraph was unnecessary because the question already featured in the programme of work of the Special Committee.

11. Under operative paragraph 2, the Special Committee would reflect the outcome of the consideration envisaged in operative paragraph 1 in its annual report to the Sixth Committee and the Secretariat would be entrusted with preparing an annual compilation of the use of peaceful means, which would include information received from Governments. The view was expressed that much of the information envisaged was already available on the Internet. Another view was that that information was scattered and inconsistent and a report by the Secretariat would usefully compile the necessary information in a form that could be considered by Member States. Clarification was sought as to the scope of the envisaged report, including whether it would encompass the question of peaceful settlement in general terms or whether reference would be made to specific disputes (both those settled and those not yet settled). Concern was also expressed that it would not be appropriate to request the Secretariat to undertake the kind of classification and assessment being envisaged. In addition, it was unclear whether a quantitative or qualitative assessment would be sought. Clarification was requested as to the nature of the recommendations that the Sixth Committee might consider on the basis of the envisaged reports of the Secretariat and the Special Committee.

12. In terms of operative paragraph 3, the Special Committee would suggest that the International Law Commission be requested to undertake a study on the obligation of States to use peaceful means for settling their international disputes. It was clarified that it would be for the General Assembly to decide whether to request such a study. Doubt was expressed as to whether it would be advisable to address such a request to the Commission.